

**Notice of Allowability**

Application No.

10/786,612

Applicant(s)

CUNY ET AL.

Examiner

Art Unit

Robert Shiao

1626

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to responses filed on 10/05, 2005.
2. ☒ The allowed claim(s) is/are 25, 29-31, 35-36, and 45-58, now are 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance             |
|   | 9. <input type="checkbox"/> Other _____  |

### **DETAILED ACTION**

1. This application claims benefit of the provisional applications:  
60/284,159 with a filing date 04/17/2001; and  
60/313,648 with a filing date 08/20/2001.
2. Amendment of claims 25, 31, 35-36, and 45-58, cancellation of claims 1-24, 26-28, 32-34, 37-44, and 59-106 in the amendment filed on October 05, 2005, is acknowledged. Claims 25, 29-31, 35-36, and 45-58 are pending in the application.

### ***EXAMINER'S AMENDMENT***

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Dana M. Gordon on November 22, 2005. The application has been amended as follows:

In claim 25, line 10, after "R represents H or", insert

--C<sub>1-10</sub>--

In claim 25, line 11, after "R' represents H, ", insert

--C<sub>1-10</sub>--

In claim 25, line 12, after "R<sub>1</sub> represents H or", insert

--C<sub>1-10</sub>--

In claim 25, line 14, after "R<sub>3</sub> represents H or", insert

--C<sub>1-10</sub>--

In claim 25, line 15, after "R<sub>4</sub> represents H or", insert

--C<sub>1-10</sub>--

In claim 25, line 16, after "R<sub>5</sub> represents H or", insert

--C<sub>1-10</sub>--

In claim 25, page 3, line 2, delete "R<sub>4</sub> and R<sub>5</sub> may be connected through a covalent bond;"

#### ***Reasons for Allowance***

4. The following is an examiner's statement of reasons for allowance:

Claims 25, 29-31, 35-36, and 45-58 are neither anticipated nor rendered obvious over the art of record, and therefore are allowable. This invention relates to thiazole and other heterocyclic ligands for mammalian dopamine, muscarinic and serotonin receptors and transporters, and methods of use thereof. The closest reference is Cuny et al. US 6,699,866, which is the parent case of the instant application, discloses thiazole and other heterocyclic ligands for mammalian dopamine, muscarinic and serotonin receptors and transporters, and methods of use thereof. The difference between Cuny et al. and instant claims is that the instant compounds of formula (C) have not been claimed. Suggestion for modification of above record to obtain the

instant claimed compounds/compositions has not been found. Claims 25, 29-31, 35-36, and 45-58 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusions***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Shiao whose telephone number is (571) 272-0707. The examiner can normally be reached on 8:30 AM - 5:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on (571) 272-0699. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 1626

  
**TAOFIQ SOLOLA**  
**PRIMARY EXAMINER**

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November 22, 2005